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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,957	05/11/2001	Richard Dean Dettinger	ROC920000310US1	6601

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Gero G. McClellan  
Thomason, Moser & Patterson, L.L.P.  
3040 Post Oak Boulevard, Suite 1500  
Houston, TX 77056-6582

EXAMINER

LEE, PHILIP C

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/853,957

Applicant(s)

DETINGER, RICHARD DEAN

Examiner

Philip C Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/11/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-32 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

#### *Claim Rejections – 35 USC 112*

- NE
3. Claims 1-10 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:
  - i. As per claim 1, line 2, it is unclear what is meant by “portion of a command” [i.e. the header of a request or a command line of a routine]; Line 3, it is unclear where did the portion of client command originated [i.e. the portion of command received from the client?].

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- ii. As per claim 3, line 5, it is uncertain if "the matching command" refers to the "predicted client command" in claim 2, line 3.
- iii. As per claim 7, line 2, it is not clearly understood whom predict the client command [i.e. the client computer]; Lines 2-3, it is uncertain if "the portion of the client command" refers to "a portion of a client command" in claim 1, line 2 or "a remaining portion of the client command" in claim 3, line 2.
- iv. As per claim 10, lines 1-2, it is unclear what is meant by "where" the commands are received by the server for a predetermined number of repetitions.
- v. As per claim 24, lines 2-3, it has the same uncertainty as in claim 7, lines 2-3 above.

*Claim Rejections – 35 USC 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 11-14, 16-25, 28-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luick, U.S. Patent 6,230,260 (hereinafter Luick) in view of Aaker et al, U.S. Patent 5,758,087 (hereinafter Aaker).

6. As per claim 1, Luick taught the invention substantially as claimed, comprising:  
receiving a portion of a command (col. 3, lines 64-col. 4, lines 9; col. 11, lines 60-62);  
predicting the command based on the portion of the command (col. 9, lines 21-24); and  
executing a predicted command (col. 11, lines 62-col. 12, lines 2).

7. Luick did not teach processing a client command at a server computer. Aaker taught the method for processing a received client request at the server (col. 3, lines 20-34).

8. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Luick and Aaker because Aaker's method for processing a received client request at the server would increase the field of use in Luick's system by providing a quicker response time in a client-server environment (col. 1, lines 21-26).

9. As per claims 11 and 18, Luick taught the invention substantially as claimed, comprising:  
a command set database, wherein the command set database comprises commands  
expected to be received (col. 6, lines 25-30); and

a processor configured to determine a predicted command from the command set database in response to receiving a portion of a command (col. 6, lines 15-24; col. 9, lines 21-24).

10. Luick did not teach processing a client command at a server computer. Aaker taught the method for processing a received client request at the server (col. 3, lines 20-34).

11. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Luick and Aaker because Aaker's method for processing a received client request at the server would increase the field of use in Luick's system by providing a quicker response time in a client-server environment (col. 1, lines 21-26).

12. As per claims 17 and 28, Luick taught the invention substantially as claimed comprising: an input memory area to receive commands (col. 3, lines 64-col. 4, lines 9; col. 11, lines 60-62).

a command set database, wherein the command set database comprises commands expected to be received (col. 6, lines 25-30);

an output memory area to store the results generated by executing commands received (col. 12, lines 16-42); and

a processor configured to determine a predicted command from the command set database in response to receiving a portion of a command (col. 6, lines 15-24; col. 9, lines 21-24).

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13. Luick did not teach processing a client command at a server computer. Aaker taught the method for processing a received client request at the server (col. 3, lines 20-34).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Luick and Aaker because Aaker's method for processing a received client request at the server would increase the field of use in Luick's system by providing a quicker response time in a client-server environment (col. 1, lines 21-26).

15. As per claims 2, 12, 19 and 29 Luick and Aaker taught the invention substantially as claimed in claims 1, 11, 18 and 28 above. Luick further taught wherein predicting the client command comprises determining a matching command for the portion of the client command (col. 12, lines 3-6) and wherein executing the predicted client command comprises executing the matching command (col. 11, lines 64-col. 12, lines 2).

16. As per claims 3 and 20, Luick and Aaker taught the invention substantially as claimed in claims 1 and 18 above. Luick and Aaker further taught comprising:

receiving a remaining portion of the client command from the client computer (Luick, col. 8, lines 66-col. 9, lines 5);

determining whether the client command matches the matching command (Luick, col. 8, lines 66-col. 9, lines 5); and



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if the client command matches the matching command, sending a result of executing the matching command to the client computer (Aaker, col. 5, lines 47-54).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Luick and Aaker for the same reason set forth in claim 1 above.

18. As per claims 4 and 21, Luick and Aaker taught the invention substantially as claimed in claims 3 and 20 above. Luick and Aaker further taught comprising:

if the client command does not match the matching command, executing the client command as received from the client computer (Luick, col. 12, lines 19-46); and sending a result of executing the client command to the client computer (Aaker, col. 5, lines 47-50).

19. As per claims 5 and 22, Luick and Aaker taught the invention substantially as claimed in claims 1 and 18 above. Aaker further taught comprising sending a result of executing the predicted client command to the client computer (col. 5, lines 47-54).

20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Luick and Aaker for the same reason set forth in claim 1 above.

21. As per claims 6-7, 13-14, 23-24 and 31-32, Luick and Aaker taught the invention substantially as claimed in claims 5, 11, 22 and 28 above. Luick and Aaker further taught comprising:

determining whether the result of executing the predicted client command is correct

(Luick, col. 11, lines 60-col. 12, lines 6; col. 12, lines 20-25);

if not, receiving a remaining portion of the client command from the client computer

(Luick, col. 12, lines 43-46); and

sending a result of executing the client command to the client computer (Aaker, col. 5, lines 47-50).

22. As per claims 8 and 25, Luick and Aaker taught the invention substantially as claimed in claims 7 and 24 above. Luick further taught

wherein predicting the client command comprises determining a matching command for the portion of the client command and wherein executing the predicted client command comprises executing the matching command (col. 8, lines 66-col. 9, lines 5; col. 11, lines 62-col. 12, lines 6).

23. As per claim 16, Luick and Aaker taught the invention substantially as claimed in claim 11 above. Aaker further taught wherein the server computer and the client computer are connected through a network (fig 1).

24. Claims 9-10, 15, 26-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luick and Aaker in view of Yashiro et al, U.S. Patent 5,787,460 (hereinafter Yashiro).

25. As per claims 9-10, 15, 26-27 and 30, Luick and Aaker taught the invention comprising generating a database of repeated client commands wherein the repeated client commands are representative of a pattern (col. 6, lines 15-30; col. 21, lines 9-18). Luick and Aaker did not specifically detailing wherein the commands are received at least twice by the server. Yashiro taught generating a database based on a predetermined number of repetitions (col. 25, lines 11-23).

26. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Luick, Aaker and Yashiro because Yashiro's teaching of generating a database based on a predetermined number of repetitions would increase the efficiency of Luick's and Aaker's systems by limiting the traffic for accessing to the database.

### **CONCLUSION**

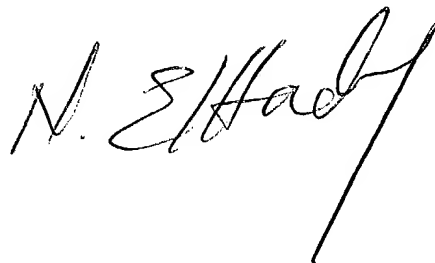
27. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

30. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

A handwritten signature in black ink, appearing to read "N. E. Hadley", with a long, sweeping diagonal stroke extending downwards and to the right.